

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983

JAMES P. KEMP, ESQUIRE
Nevada Bar No. 006375
KEMP & KEMP, ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110,
Las Vegas, NV 89130
(702) 258-1183 tel./ (702) 258-6983 fax
jp@kemp-attorneys.com
Attorney for Plaintiff Thomas Mooney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THOMAS MOONEY,

Plaintiff,

v.

FIFE DERMATOLOGY, PC, d/b/a
SURGICAL DERMATOLOGY & LASER
CENTER; DOUGLAS FIFE, M.D.; and
HEATHER FIFE,

Defendants.

CASE NO. 2:17-cv-02191-JCM-DJA

**STIPULATION AND ORDER TO
EXTEND TIME FOR PLAINTIFF TO
RESPOND TO DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT AND TO
EXTEND TIME FOR DEFENDANTS TO
FILE THEIR REPLY IN SUPPORT OF
THEIR MOTION FOR SUMMARY
JUDGMENT**

[ECF NO. 71]

(SECOND REQUEST)

The Parties, by and through their respective counsel, hereby stipulate for a second time to extend the time for Plaintiff to respond to Defendants' MOTION FOR SUMMARY JUDGMENT [ECF No. 71] from the current extended deadline of Monday, March 28, 2022 through and including **Monday, April 11, 2022**. Based on Plaintiff's need for a second extension, the Parties further stipulate that Defendants shall have up to and including **Monday, May 16, 2022** to file their reply in support of their Motion for Summary Judgment.

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1 This is the SECOND request for an extension of Plaintiff's deadline to respond to
2 Defendants' Motion for Summary Judgment [ECF No. 71]. The Parties provide the following
3 information to the Court regarding the proposed extension of time:
4

- 5 1. Defendants filed their Motion for Summary Judgment [ECF No. 71] on
6 February 11, 2022, and a related Errata [ECF No. 74] solely concerning
7 exhibits on February 15, 2022.
- 8 2. On March 1, 2022, Plaintiff's counsel contacted Defendants' counsel with
9 a request to amend the summary judgment briefing schedule with a three-
10 week extension for Plaintiff's response deadline, moving the deadline
11 from March 4, 2022 to March 28, 2022 based on the fact that Plaintiff's
12 counsel was scheduled to be on vacation from March 4, 2022 to March
13 18, 2022 for a long-planned two-week cruise where he and his wife are
14 celebrating their 25th wedding anniversary. During this long-planned
15 cruise, Plaintiff's counsel did not have any time to work on the response
16 to Defendants' comprehensive motion seeking summary judgment on all
17 claims until March 21, 2022. Plaintiff's counsel has been working on the
18 response, but has not had time to complete it because of an intervening
19 factor that was somewhat unexpected.
- 20 3. While Plaintiff's counsel was on vacation, on March 11, 2022, Plaintiff's
21 counsel received an order in Case 8:18-cv-01727-MAA *Damian Raffele*
22 *v. VCA, Inc* in the Central District of California that after approximately
23 seven months of waiting due to COVID-19 delays a jury and a courtroom
24 has been confirmed for a jury trial commencing at 8:30 a.m. on March 30,
25 2022, which is this coming Wednesday. Accordingly, Plaintiff's counsel
26 has had to divert efforts from working on the extensive summary
27
28

1 judgment opposition due in this case to trial preparations in the Raffele
2 matter. This trial was not expected to be able to go, but now that the
3 opportunity has come up, the Judge in California is insistent that it
4 commence and get completed. Plaintiff's counsel must leave for
5 California today, March 28, 2022.
6

- 7 4. On March 27, 2022, Plaintiff's counsel emailed Defendants' counsel to
8 request an additional two weeks to file his response for the reasons set
9 forth above. Defendants' counsel granted Plaintiff's counsel's request for
10 additional time. To that end, the Parties agree that Plaintiff may have until
11 **Monday, April 11, 2022** to file his Response to Defendants' Motion for
12 Summary Judgment.
13 5. The Parties have further agreed to extend the time for Defendants' Reply
14 by three weeks from Monday, April 25, 2022 to **Monday, May 16, 2022**.
15 See LR 7-2 (setting deadline for Reply in Support of Motion for
16 Summary Judgment at 14 days). This additional time is needed by
17 Defendants to account for Plaintiff's extension request, which request
18 affects Defendants' drafting timeframe as it now intersects with the
19 Easter holiday, pre-planned travel, spring break for Clark County School
20 District students, and time-intensive obligations in other matters
21 (including, but not limited to, preparation for an evidentiary hearing
22 currently set for the week of May 9, 2022 in Case No.
23 2:20-cv-00406-RFB-BNW).
24
25 6. There are no other deadlines or proceedings with which this extension
26 would interfere.
27
28

This stipulation to extend the Response *and* Reply deadlines regarding Defendants' Motion for Summary Judgment [EFC No. 71] (to Monday, April 11, 2022 and Monday, May 16, 2022, respectively) is made in good faith and not for the purposes of delay.

DATED this 28th day of March, 2022.

DATED this 28th day of March, 2022.

/s/ Hayley J. Cummings (with permission)

/s/ James P. Kemp

P. SWEN PRIOR, ESQ.
HAYLEY CUMMINGS, ESQ.,
SNELL & WILMER
3883 Howard Hughes Pkwy., #1100
Las Vegas, NV 89169

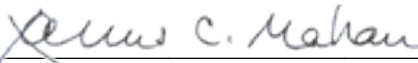
JAMES P. KEMP, ESQ.
Bar No. 6375
KEMP & KEMP, Attorneys at Law
7435 W. Azure Drive, Suite 110
Las Vegas, NV 89130

Attorneys for Defendants

Attorney for Plaintiff

ORDER

IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

DATED: March 29, 2022

KEMP & KEMP
ATTORNEYS AT LAW
7435 W. Azure Drive, Suite 110
LAS VEGAS, NEVADA 89130
Tel. (702) 258-1183 • Fax (702) 258-6983